

BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS
IN MEDICINE AND SURGERY

IN THE MATTER OF:

MICHAEL DUBETS, D.O.
Holder of License No. **2589**

) **Case No.: 3957**
)
) **CONSENT AGREEMENT FOR**
) **SURENDER OF LICENSE**
)

In the application to hold a license and practice
of osteopathic medicine in the State of Arizona

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Board of Medical Examiners in
Medicine and Surgery ("Board") and Michael Dubets, D.O. ("Respondent"), the parties agreed to
the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated
Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent
acknowledges that he has the right to consult with legal counsel regarding this matter and has
done so or chooses not to do so.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes
any rights to a hearing or judicial review in state or federal court on the matters alleged, or to
challenge this Consent Agreement in its entirety as issued by the Board, and waives any other
cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed
by its Executive Director.

4. Respondent admits to the statement of facts and conclusions of law contained in
the Consent Agreement and Order.

1 5. This Consent Agreement, or any part thereof, may be considered in any future
2 disciplinary action against Respondent.

3 6. This Consent Agreement does not constitute a dismissal or resolution of other
4 matters currently pending before the Board, if any, and does not constitute any waiver, express or
5 implied, of the Board's statutory authority or jurisdiction. The acceptance of this Consent
6 Agreement does not preclude any other agency, subdivision or officer of this State from
7 instituting other civil or criminal proceedings with respect to the conduct that is the subject of
8 this Consent Agreement.

9 7. All admissions made by Respondent are solely for final disposition of this matter
10 and any subsequent administrative proceedings or litigation involving the Board, Respondent and
11 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any
12 other purpose or administrative regulatory proceeding or litigation in another state or federal
13 court.

14 8. Upon signing this agreement, and returning this document (or a copy thereof) to
15 the Board's Executive Director, Respondent may not revoke the acceptance of the Consent
16 Agreement. Respondent may not make any modifications to the document. Any modifications to
17 this original document are ineffective and void unless mutually approved by the parties.

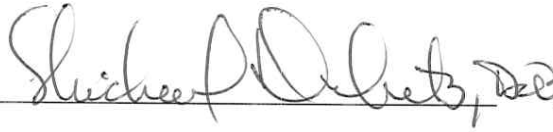
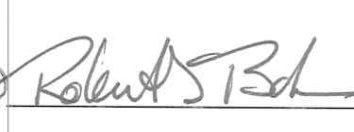
18 9. If the Board does not adopt this Consent Agreement, Respondent will not assert as
19 a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice,
20 prejudgment or other similar defense.

21 10. This Consent Agreement, once approved and signed, is a public record that will
22 be publicly disseminated as a formal action of the Board and will be reported to the National
23 Practitioner Data Bank and to the Board's website.

24 1. If any part of the Consent Agreement is later declared void or otherwise unenforceable,
25 ...

1 the remainder of the Consent Agreement in its entirety shall remain in force and effect.

2 REVIEWED AND ACCEPTED THIS 14th DAY OF July, 2008.

3  

4 Michael Dubets, D.O.

5 Robert D. Bohm, Esq., Respondent's Counsel

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7 **JURISDICTIONAL STATEMENTS**

8 1. The Board is empowered, pursuant to A.R.S. § 32-1800 *et seq.*, to regulate the
9 practice of osteopathic medicine in the State of Arizona, and the conduct of the persons licensed,
10 registered, or permitted to practice osteopathic medicine in the State of Arizona.

11 2. Respondent is the holder of License No. 2589 issued by the Board for the practice
12 of osteopathic medicine in the State of Arizona.

13 **FINDINGS OF FACT**

14 1. The Board initiated case No. ~~3343~~ ³⁹⁵⁷ after receiving information that the Respondent
15 failed to comply with its "Interim Order for 90 Day Treatment" that was issued by the Executive
16 Director on January 7, 2008.

17 2. The Executive Director issued the above Interim Order because he believed the
18 Respondent failed to comply with a previous Board order of probation prohibiting the
19 consumption of alcohol.

20 3. Specifically, on December 12, 2007, the Board's Executive Director received
21 information that the above-captioned licensee may be violating the provisions of his probation as
22 well as A.R.S. §§ 32-1854 (25) (Violating a formal order, probation or a stipulation issued by the
23 Board under this chapter); having received the results of a random biological fluid test from
24 Southwest Laboratories, Inc. which was positive for Ethylglucuronide which indicates the
25 ingestion of alcohol.

1 4. Due to the nature and circumstances of these allegations the Board's Executive
2 Director consulted with Dr. Sucher and Dr. Pustover for follow up to this allegation and potential
3 violation of his current probation. Both of these addiction specialists recommended a 90 day in-
4 patient program because this is not the first episode of an alleged failed test and the previous
5 assessment indicated that there may be an unresolved issue. Dr. Dubets declined to enroll in a 90
6 day in-patient program, instead offering to surrender his license to practice osteopathic medical
7 license.

8 CONCLUSIONS OF LAW

9 1. The Board possesses jurisdiction over the subject matter herein.

10 2. The allegations described in Findings of Fact 1 through 4 herein constitute
11 unprofessional conduct as defined by the following A.R.S. § 32-1854 subsection (25); which
12 states, "Violating a formal order, probation or a stipulation issued by the Board under this
13 chapter."

14 3. The Board has the authority to informally dispose by stipulation, agreed
15 settlement, consent order or default pursuant to A.R.S. § 41-1092.05 (F) (5).

16 4. The Board possesses statutory authority to enter into a consent agreement with a
17 physician and accept the surrender of an active license from a physician who was previously
18 found to have committed an act of unprofessional conduct. A.R.S. § 32-1855 (M).
19

20 ORDER

21 1. **IT IS HEREBY ORDERED THAT** License Number 2589, issued to Michael
22 Dubets, D.O., for the practice of osteopathic medicine in the State of Arizona, is
23 **SURRENDERED**, and that Michael Dubets, D.O. shall immediately return his wallet card and
24 wall license and shall no longer engage in the practice of medicine in the State of Arizona, after
25 the effective date of this Order.

2. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action and or referral to the appropriate criminal agency.

ISSUED THIS 31st DAY OF July, 2008.
STATE OF ARIZONA
BOARD OF OSTEOPATHIC EXAMINERS IN
MEDICINE AND SURGERY

By: Barbara Meyers
Barbara Meyers, Deputy Director

Original "Consent Agreement for Surrender Of License" filed this 31st day of July, 2008 with the:

Arizona Board of Osteopathic Examiners
In Medicine and Surgery
9535 East Doubletree Ranch Road
Scottsdale AZ 85258-5539

Copy of the foregoing "Consent Agreement For Surrender of License" sent via certified, return receipt requested this 31st day of July, 2008 to:

Michael Dubets, D.O.
7101 W. Beardsley Rd. #1201
Glendale, AZ 85308

Robert D. Bohm, Esq.
Bohm & Jones, Esquire
2141 East Camelback Road, Suite 100
Phoenix, AZ 85007

Copies of the foregoing "Consent Agreement For Surrender of License" sent via regular mail this 31st day of July, 2008 to:

Blair Driggs, AAG
Office of the Attorney General CIV/LES
1275 West Washington
Phoenix AZ 85007

Kathy Fox